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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,686	09/05/2006	Youichi Tabei	13450/I	1617
26646 7590 05/19/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER JENNINGS, STEPHANIE M				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
05/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,686

Applicant(s)

TABEL ET AL.

Examiner

Stephanie Jennings

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-4, 6-11 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 5, 12, 13 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 1, paragraph 4, filed February 17, 2009, with respect to Figures 1-11 have been fully considered and are persuasive. The objections of November 13, 2008 have been withdrawn.
2. Applicant's arguments with respect to claims 1, 2, 6, 10, and 11 have been considered but are moot in view of cancellation of claims.

Specification

3. Amendments to the specification have been reviewed and accepted as being in compliance.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 5, 12, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders US Patent No. 5,987,951 in view of Kataoka US Patent No. 6,000,269 and Fukushima US Patent No. 5,950,480.
6. Limitations from claim 5, A method of forming a case, the method comprising: preparing a sheet material making a thickness of a circumferential portion of the material thinner than a thickness of a center portion of the material (column 1, lines 33-41 and column 5, lines 48-62), so as to form the circumferential portion as a thin annular portion, which is to be formed as a

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peripheral wall of the case, so as to provide an intermediate product (abstract, lines 4-10) (figures 4-6)

7. Saunders teaches all of the limitations of claim 17 as well, except for the stamping and forming limitations, which are taught by Kataoka.

8. Saunders teaches limitations from claims 5 and 17, but does not teach a method of stamp-forming a concavity or forging a case, but Kataoka does.

9. Kataoka teaches:

10. Limitations from claim 17, and simultaneously stamping-forming a concavity in the center portion of the material; and forward drawing an intermediate product obtained by the stamping-forming to form a cup-shaped case having a bottom that is thicker than a peripheral wall so that the center portion of the material is formed as a bottom of the case and the thin annular portion is formed as the peripheral wall of the case (figure 2A above, column 3, lines 46-64).

11. It would have been obvious at the time of invention for one of ordinary skill in the art to combine Kataoka's invention with Saunders' invention because it is a well-documented method in the art to stamp-form a concavity during case or cup formation.

12. Saunders does not teach forward drawing the intermediate product, but Fukushima does.

13. Wherein Fukushima teaches:

14. Limitations from claim 5, and forward drawing the intermediate product so that the center portion of the material is formed as a bottom of the case and the thin annular portion is formed as

the peripheral wall of the case to simultaneously form the peripheral wall and the bottom of the case (figures 7-9).

15. Limitations from claim 12, the method of claim 5, further comprising: forward drawing the intermediate product is also done to form an internal boss (115b, figure 1) (figure 5).

16. Limitations from claim 13, the method of claim 5, further comprising: forward drawing the intermediate product to simultaneously form the internal boss and the peripheral wall of the case (115b, figure 1 above).

It would have been obvious at the time of invention for one of ordinary skill in the art to combine invention with Fukushima's invention because multiple forming steps allows for improved finishing of the work piece and reduction in errors.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Jennings whose telephone number is (571) 270-7392. The examiner can normally be reached on Monday-Thursday, 7 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. J./
Examiner, Art Unit 3725
May 12, 2009

/Dana Ross/
Supervisory Patent Examiner, Art Unit
3725